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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB - 7 2002
TC 3100 MAIL ROOM

Applicant : Pat L. Gordon
Application No. : 09/466,387 Confirmation No.: 1111
Filed : December 17, 1999
For : GASTRIC STIMULATOR APPARATUS
AND METHOD FOR USE
Group Art Unit : 3762
Examiner : Kennedy E. Schaetzle

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:


Responsive to the Office Action mailed December 31, 2001, applicant hereby elects claims 1-38.

The Examiner further noted the existence of species/subspecies but is not requiring an election between them. However, the Examiner requested that applicant state on record if applicant disagrees with the Examiner.

Applicant understands that in the prosecution of patent applications before the U.S. Patent and Trademark Office, each claim is evaluated for patentability based on the prior art

at hand and the applicable laws. Thus, by not making the statement that is requested by the Examiner, applicant hopes to be given an opportunity to evaluate the patentability of each claim individually as the prosecution of this patent application progresses.

Respectfully submitted,


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Lillian Garcia


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